IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITIN NO.5928 OF 2006

Ramchandra Agnumane ....Petitioner
V/s.
Namdev Agnumane ....Respondent

Mr.Milind Deshmukh for the Petitioner.
Mr.Sandeep S. Jinsiwale for the Respondent.

CORAM : S.J. VAZIFDAR, J.
DATED : 17TH JANUARY, 2007.

P.C. :

1. Rule. Rule returnable and heard forthwith.

2. The impugned order rejects the Petitioner's application for amendment. The order is based on an appreciation of the facts. At the stage of amendment, it is not necessary for the Court to decide the rival contentions on merits. The Petitioner's contention is that the possession was taken by the Defendant after the suit was filed. Whether the contention is correct or not is another matter. The Petitioner was certainly entitled to amend the plaint by adding the subsequent facts.

3. In the circumstances, the impugned order is

set-aside and the amendment sought is granted. It is clarified that this order does not purport to express any views on merits of the case.

4. The Rule is accordingly made absolute.